

A handbook on
Bharatiya Nyaya Sanhita, 2023
(highlighting key provisions and changes vis-a-vis IPC)

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Bharatiya Nyaya Sanhita, 2023
(highlighting key provisions and changes vis-a-vis IPC)
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Bharatiya Nyaya Sanhita, 2023

Bharatiya Nyaya Sanhita 2023 (**hereinafter referred to as BNS**) shall come into force on 1st July, 2024 except the provisions of sub section (2) of section 106. It shall replace The Indian Penal Code (IPC) 1860

Salient features of BNS

New Offences have been added in BNS such as

- Organised crime [Section 111 BNS]
- Petty organised crime [Section 112 BNS]
- Terrorist act [Section 113 BNS]
- Snatching [Section 304 BNS]
- Sexual intercourse by employing deceitful means etc. [Section 69 BNS]
- Grievous hurt causing permanent disability or persistent vegetative state [Section 117(3) BNS]
- Hiring, employing or engaging a child to commit an offence etc. [Section 95 BNS]

Few IPC offences are not part of BNS such as

- Adultery
- Sedition
- Sexual intercourse against the order of nature
- Attempt to commit suicide etc.

Punishment enhanced for 33 offences under BNS such as

- Causing death by negligence
- Causing hurt to deter public servant from duty
- Criminal breach of trust
- Cheating

Apart from above, fine has been increased for 83 offences

Community service can be imposed as a punishment in 6 petty offences

Offences against woman and child, which are scattered in different chapters in IPC have been brought together in chapter V in BNS

New/Modified definitions in BNS

“Child” means any person below the age of 18 years [Section 2(3) BNS]

Electronic and digital record included in the definition of “Document” [Section 2(8) BNS]

Transgender included in the definition of “Gender” in addition to male and female [Section 2(10) BNS]

“Moveable property” includes **property of any description** except land and things attached to the earth or permanently fastened to anything which is attached to the earth [Section 2(21) BNS]

- Movable Property under IPC include only **corporeal property** while under BNS it includes property of any description except land and things attached to the earth etc.

Ingredients of new offences under BNS

Organised crime (Section 111 BNS)

Section 111(1) BNS defines Organised crime

- **any continuing unlawful activity** including kidnapping, robbery, vehicle theft, extortion, contract killing, economic offences, cyber crime, trafficking of persons, drugs, weapons etc.
- **by any person or group of persons** acting in concert, singly or jointly either as a member of or on behalf of an **organized crime syndicate**
- by use or threat of violence, intimidation, coercion or any unlawful means
- to obtain direct or indirect material benefits including financial benefits

“Organised crime syndicate” means

- a group of two or more persons
- acting either singly or jointly
- as a syndicate or gang indulging in continuing unlawful activity

“Continuing unlawful activity” means an activity prohibited by law which is a cognizable offence punishable with imprisonment of three year or more, undertaken by any person, either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which **more than one charge-sheets** have been filed before a competent Court within the preceding period of ten years and that Court has taken cognizance of such offence, and includes economic offence;

Offence of Organized crime u/s 111 BNS	Cognizable	Non bailable	Triable by the Court of Session
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Punishments for Organised crime

Section	Offence	Punishment
111(2) BNS	Committing Organised crime a) resulting into death b) in cases other than above	Death or imprisonment of life and fine not less than Rs.10 lakh Not less than 5 years but may extend to imprisonment for life and fine not less than Rs. 5 lakh
111(3) BNS	Abetting, attempting, conspiring, facilitating the commission of organised crime	Not less than 5 years but may extend to imprisonment for life and fine not less than Rs. 5 lakh
111(4) BNS	Being a member of organised crime syndicate	-do-
111(5) BNS	Intentionally harbouring or concealing any person who has committed an organised crime	Not less than 3 years but may extend to imprisonment for life and fine not less than Rs. 5 lakh
111(6) BNS	Possessing any property obtained from the commission or proceeds of an organised crime	Not less than 3 years but may extend to imprisonment for life and fine not less than Rs. 2 lakh
111(7) BNS	Possessing movable or immovable property on behalf of member of an organised crime, not satisfactory account for	Not less than 3 years but may extend to imprisonment for 10 years and fine not less than Rs. 1 lakh

Petty organised crime (Section 112 BNS)

Section 112(1) BNS defines Petty organised crime

- **being a member of a group or gang**, either singly or jointly
- **committing any act** of theft, snatching, cheating, unauthorized selling of tickets, unauthorised betting or gambling, selling of public examination question papers or any other similar criminal act

Punishment for Petty organised crime u/s 112(2) BNS:- Imprisonment for not less than 1 year but which may extend to 7 years and fine

Offence of Petty organised crime u/s 112 BNS	Cognizable	Non bailable	Triable by Magistrate of first class
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Terrorist act (Section 113 BNS)

Section 113(1) BNS defines Terrorist act

any act done with the intent

- to threaten or likely to threaten the unity, integrity, sovereignty, security, or economic, security of India or
 - to strike terror, or likely to strike terror in the people or any section of people in India or in any foreign country
- a) by using bombs, dynamite or other explosive, substance or inflammable substance or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substance, whether biological, radioactive, nuclear or otherwise of a hazardous nature or by any other means of whatever nature to cause or likely to cause
- (i) death of or injury to any person or persons or
 - (ii) loss of or damage to or destruction of property or
 - (iii) disruption of any supplies or services, essential to the life of the community in India or in any foreign country; or
 - (iv) damage to the monetary stability of India by way of production or smuggling or circulation of **counterfeit Indian paper, currency coin or of any other material** or
 - (v) damage or destruction of any property in India or in a foreign country used or intending to be used for the defence of India or in connection with any other purpose of the Government of India, any state government or any of their agencies or
- b) overawing by means of criminal force or the show of criminal force or attempting to do so or causing death of any public functionary or attempting to cause death of any public functionary or
- c) detaining, kidnaping or abducting any person and threatening to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or an international or inter-governmental organisation or any other person to do so abstain from doing any act

Explanation:- Officer not below the rank of **Superintendent of Police** shall decide whether to register the case under this section or under The Unlawful Activities (Prevention) Act (UAPA) 1967

Offence of Terrorist act u/s 113 BNS	Cognizable	Non-bailable	Triable by the Court of Session
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Note:- This definition is wider than the definition given in UAPA, where it includes the production, smuggling or circulation of **only high quality Indian paper currency, coin or any other material**, whereas it describes **counterfeit Indian paper currency, coin or any other material** in section 113 BNS

Punishments for Terrorist act

Section	Offence	Punishment
113(2) BNS	Committing a terrorist act a) resulting in death of any person b) in cases other than above	Death or imprisonment for life and fine Imprisonment for not less than 5 years but may extend to imprisonment for life and fine
113(3) BNS	Abetting, attempting, conspiring, facilitating the commission of terrorist act etc.	Imprisonment for not less than 5 years but may extend to imprisonment for life and fine
113(4) BNS	Organizing any camp for imparting training or recruiting any person for commission of terrorist act etc.	Imprisonment for not less than 5 years but may extend to imprisonment for life and fine
113(5) BNS	Being a member of an organization involved in terrorist act	Imprisonment for life and fine
113(6) BNS	Voluntarily harbouring or concealing any person who has committed a terrorist act or its attempt	Imprisonment for not less than 3 years but may extend to imprisonment for life and fine
113(7) BNS	Knowingly possessing any property obtained from commission of any terrorist act	Imprisonment for life and fine

Murder by group of persons on certain grounds [Section 103(2) BNS]

- **committing murder**
- by a group of **five or more persons** acting in concert
- **on the ground** of race, caste or community, sex, place of birth, language, personal belief or any other similar ground

Punishment u/s 103(2) BNS:- Death or imprisonment for life and shall also be liable to fine (**each member of such group**)

Grievous Hurt (Section 116 BNS)

Difference as compared to IPC in definition/kinds of Grievous hurt

Section 116(h) BNS:- Any hurt which endangers life or which causes the sufferer to be during the space of **15 days** in severe bodily pain or unable to follow his ordinary pursuits

Note:- Under IPC, the period/space mentioned is **20 days**

Permanent disability while causing grievous hurt [Section 117(3) BNS]

- causing **grievous hurt** to a person
- which causes that person to be in **permanent disability or in persistent vegetative state**

Punishment u/s 117(3) BNS:- Rigorous imprisonment for not less than **10 years** but may **extend to imprisonment for life**, which shall mean imprisonment for the remainder of that persons' natural life

Offence u/s 117(3) BNS	Cognizable	Non-bailable	Triable by the Court of Sessions
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Grievous hurt by a group of persons [Section 117(4) BNS]

- causing grievous hurt to a person
- by a group of **five or more persons** acting in concert
- **on the ground** of race, caste or community, sex, place of birth, language, personal belief or any other similar ground

Punishment u/s 117(4) BNS : Imprisonment which may extend to 7 years and fine (each member of such group)

Offence u/s 117(4) BNS	Cognizable	Non-bailable	Triable by the Court of Sessions
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Sexual intercourse by employing deceitful means (Section 69 BNS)

- having sexual intercourse with a woman
- by deceitful means or by making promise to marry
- without any intention of fulfilling the same
- such sexual intercourse not amounting to offence of rape

“Deceitful means” shall include

- inducement for
- or false promise of employment or promotion
- or marrying by suppressing identity

Punishment u/s 69 BNS:-
Imprisonment which may extend to **10 years and fine**

Offence u/s 69 BNS	Cognizable	Non-Bailable	Triable by the Court of Session
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Gang rape on woman under age of 18 years [Section 70(2) BNS]

Punishment u/s 70(2) BNS:- Life imprisonment which shall mean **imprisonment for the remainder of that person’s natural life** and with **fine** or **with death**

Section 70 (2) BNS corresponds sections **376DA IPC and 376DB IPC** i.e. Gang rape on woman under age of 16 and 12 respectively, **which have been deleted**

Rape (Section 63 BNS)

Age of consent qua married woman/wife

Exception 2- Sexual intercourse or sexual acts by a man with his own wife, the wife not being **under 18 years of age** is not rape

Under **section 375 IPC**, the age limit **15 years**

Note:- The punishment for rape prescribed **u/s 64 BNS** is **same** as prescribed **u/s 376 IPC**

Some offences against women made gender neutral

Section	Accused	Offence	Under IPC	
			Section	Accused
76 BNS	Whoever	Assault or use of criminal force to woman with intent to disrobe	354B	Any man
77 BNS	Whoever	Voyeurism	354C	Any man

Note:- The word “**man**” used in Section 354 B and 354C IPC has been replaced by the word “**whoever**” in section 76 and 77 BNS

Importation of girl or boy from foreign country (Section 141 BNS)

- importing into India from any country outside India
- any girl under the age of 21 years **or any boy under the age of 18 years**
- with intent or knowing that such girl or boy may be
- forced or seduced to illicit intercourse with another person

Punishment u/s 141 BNS:- Imprisonment which may extend to 10 years and fine

Offence u/s 141 BNS has been made **gender neutral** as compared to Section 366B IPC, where offence is qua a **girl only**

Procuration of child (Section 96 BNS)

- inducing **any child** by any means
- to go from any place or to do any act
- with intent or knowledge that such child will be forced or seduced to illicit intercourse with another person

- The offence u/s 96 BNS has been made gender neutral as compared to section 366A IPC, wherein offence is of procuration of **minor girl** only under the age of **18 years**. But in section 96 BNS, the offence is qua a **child**

Causing death by rash and negligent act (Section 106 (1) BNS)

- **Punishment : 5 years** (It was 2 years u/s 304A IPC)
- However if such act is done by a **registered medical practitioner** while performing medical procedure, the punishment shall remain **2 years**

Snatching (Section 304 BNS)

Theft is snatching, if in order to commit theft, the offender

- suddenly or quickly or forcibly
- seizes or secures or grabs or takes away
- any movable property
- from any person or from his possession

Punishment u/s 304 BNS:- Imprisonment which may extend to **3 years** and **fine**

Snatching u/s **304 BNS**

Cognizable

Non-bailable

Triable by any
Magistrate

Theft (Section 303 BNS)

Punishment u/s 303(2) BNS:-
Imprisonment which may extend to **3 years** or with fine or both

In case of second or subsequent conviction:-
Rigorous imprisonment not less than 1 year, but which may extend to **5 years** and with fine

Community service can be imposed in case of theft:-

- where the value of stolen property is **less than ₹ 5000** and
- the person is convicted for the **first time** and
- he **restores** the stolen property

Theft in dwelling house etc. (Section 305 BNS)

Committing theft

- in any building, tent or vessel used as a human dwelling or used for the custody of property; or

The following kinds of theft have been introduced as offence in section 305 BNS:

- of any means of transport used for the transport of goods or passengers or
- of any article or goods from any means of transport used for the transport of goods or passengers or
- of idol or icon in any place of worship or
- of any property of the Government or of a local authority

Punishment: Imprisonment which may extend to **7 years** and **fine**

Mischief (Section 324 BNS)

(Scope of the offence of mischief has been expanded vis-a-vis IPC)

Punishments for different kinds of offence of mischief

Section	Offences	Punishment
324(2) BNS	Committing mischief	Imprisonment which may extend to 6 months or with fine or both
324(3) BNS	Causing loss or damage to property of government or local authority	Imprisonment which may extend to 1 year or with fine or both
324(4) BNS	Causing loss or damage to amount of ₹20000 or more but less than ₹1 lakh	Imprisonment which may extend to 2 year or with fine or both
324(5) BNS	Causing loss or damage to amount of ₹1 lakh or upwards	Imprisonment which may extend to 5 year or with fine or both
324(6) BNS	Committing mischief having made preparation for causing death, hurt or wrongful restraint or fear of above	Imprisonment which may extend to 5 year and with fine

Act endangering sovereignty, unity and integrity of India (Section 152 BNS)

- purposely or knowingly
- by words, either spoken or written, by signs, visible representation or electronic communication, by use of financial mean or otherwise
- exciting or attempting to excite
- secession or armed rebellion or subversive activities, or encouraging feeling of separatist activities
- **or endangering sovereignty or unity and integrity of India**
- or indulging in or committing any such act

Punishment u/s 152 BNS: Imprisonment for life or with imprisonment which may extend to 7 years and fine

Offence u/s 152 BNS	Cognizable	Non-bailable	Triable by the Court of Session
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The offence of **Sedition** under section **124A IPC** was an offence about **disaffection towards the government established by law in India**, whereas section 152 BNS refers about **endangering sovereignty or unity and integrity of India**

Attempt to commit suicide to compel or restrain exercise of lawful power (Section 226 BNS)

- attempting to commit suicide by a person
- with intent to compel or restrain any public servant
 - from discharging his official duty

Offence u/s 226 BNS	Non-Cognizable	Bailable	Triable by any Magistrate
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The offence of **Attempt to commit suicide** was an offence **u/s 309 IPC. (deleted)** Apart from section 226 BNS, any other attempt to suicide does not fall within the ambit of an offence.

Printing or publishing any matter relating to court proceedings without permission (Section 73 BNS)

- printing or publishing any matter
- in relation to any proceeding before a court with respect to an offence referred to in section 72 (**offences against women**)
- without the previous permission of such court

Explanation:- The printing or publication of any judgment of any High Court or the Supreme Court does not amount to an offence within meaning of this section

Punishment u/s 73 BNS:- Imprisonment which may **extend to 2 years and fine**

Offence u/s 73 BNS	Cognizable	Bailable	Triable by any Magistrate
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Hiring, employing or engaging a child to commit an offence (Section 95 BNS)

Offence	Punishment u/s 95 BNS
<ul style="list-style-type: none"> ➤ hiring, employing or engaging a child ➤ to commit an offence 	Imprisonment which shall not less than 3 years but may extend to 10 years and fine

Offence u/s 95 BNS (Part I)	Cognizable	Non bailable	Triable by Magistrate of first class
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Offence	Punishment u/s 95 BNS
If offence is committed by child after being hired, employed or engaged	Punishment provided for that offence as if the offence is committed by that person himself

Offence u/s 95 BNS (Part II)	Cognizable	Non-bailable	Triable by Court by which offence committed is triable
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Abetment outside India for offences in India (Section 48 BNS)

Section 48 BNS expands the meaning of abetment to include:-

- abetment by person outside of India
- without and beyond India
- of offence committed in India

Illustration:- ‘A’ in country ‘X’ instigates ‘B’ to commit a murder in India. ‘A’ is guilty of abetting murder

Trafficking of Persons (Section 143 BNS)

Beggary has been introduced as a form of exploitation for trafficking in explanation 1 to section 143 BNS. Beggary was not included as form of exploitation in section 370 IPC.

Offences under different sections of IPC consolidated in BNS

Different categories of offences under different sections of IPC have been consolidated in a single section of BNS such as

Dacoity

Sections in IPC	Offences in IPC – Definition and Punishment	Section in BNS
391	Definition of dacoity	310(1)
395	Punishment for dacoity	310(2)
396	Dacoity with murder	310(3)
399	Making preparation to commit dacoity	310(4)
402	Assembling for purpose of committing dacoity	310(5)
400	Punishment for belonging to gang of dacoits	310(6)

Robbery

Sections in IPC	Offences in IPC – Definition and Punishment	Section in BNS
390	Definition of robbery	309(1)(2)(3)
392	Punishment for robbery	309(4)
393	Attempt to commit robbery	309(5)
394	Voluntarily causing hurt in committing robbery	309(6)

Extortion

Sections in IPC	Offences in IPC – Definition and Punishment	Section in BNS
383	Definition of extortion	308(1)
384	Punishment for extortion	308(2)
385	Putting person in fear of injury to commit extortion	308(3)
387	Putting person in fear of death or of grievous hurt, in order to commit extortion	308(4)
386	Extortion by putting person in fear of death or grievous hurt	308(5)
388	Extortion by threat of accusation of an offence punishable with death or imprisonment for life	308(6)
389	Putting person in fear of accusation of offence to commit extortion	308(7)

Criminal breach of trust

Sections in IPC	Offences in IPC – Definition and Punishment	Section in BNS
405	Definition of criminal breach of trust	316(1)
406	Punishment for criminal breach of trust	316(2)
407	Criminal breach of trust by carrier etc.	316(3)
408	Criminal breach of trust by clerk or servant	316(4)
409	Criminal breach of trust by public servant, banker, merchant or agent	316(5)

Stolen property

Sections in IPC	Offences in IPC – Definition and Punishment	Section in BNS
410	Definition of stolen property	317(1)
411	Dishonestly receiving stolen property	317(2)
412	Dishonestly receiving property stolen in commission of dacoity	317(3)
413	Habitually dealing in stolen property	317(4)
414	Assisting in concealment of stolen property	317(5)

House-Trespass or House-Breaking

Sections in IPC	Offences in IPC – Definition and Punishment	Section in BNS
453	Punishment for lurking house- trespass or house-breaking	331(1)
454	Lurking house-trespass or house- breaking in order to commit offence punishable with imprisonment	331(3)
455	Lurking house-trespass or house- breaking after preparation for hurt, assault or wrongful restraint	331(5)
456	Punishment for lurking house- trespass or house-breaking by night	331(2)
457	Lurking house-trespass or house- breaking by night in order to commit offence punishable with imprisonment	331(4)
458	Lurking house-trespass or house- breaking by night after preparation for hurt, assault, or wrongful restraint	331(6)
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking	331(7)
460	All persons jointly concerned in lurking house-trespass or house- breaking by night punishable where death or grievous hurt caused by one of them	331(8)

Mischief

Sections in IPC	Offences in IPC – Definition and Punishment	Section in BNS
430	Mischief by injury to work of irrigation	326(a)
431	Mischief by injury to public road, bridge etc.	326(b)
432	Mischief by causing inundation or obstruction to public drainage attended with damage	326(c)
433	Mischief by destroying, moving or rendering less useful a lighthouse or sea mark	326(d)
434	Mischief by destroying, moving land mark fixed by public authority	326(e)
435	Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agriculture produce) ten rupees.	326(f)
436	Mischief by fire or explosive substance with intent to destroy house etc.	326(g)

Forgery

Sections in IPC	Offences in IPC – Definition and Punishment	Section in BNS
463	Definition of forgery	336(1)
465	Punishment for forgery	336(2)
468	Forgery for purpose of cheating	336(3)
469	Forgery for purpose of harming reputation	336(4)

Community Service

Community Service has been introduced for the first time in **section 4 BNS** as one of the punishment in petty offences

Explanation to section 23 of BNS:- “Community service” shall mean the work which the court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration

Offences in BNS for which punishment of community service can be imposed

Sr. No.	Section	Offence
1.	Section 202 BNS	Public servant unlawfully engaging in trade
2.	Section 209 BNS	Non appearance in response to proclamation u/s 84 BNS
3.	Section 226 BNS	Attempt to commit suicide to restrain exercise of lawful power
4.	Section 303 BNS	Theft where value of stolen property is less than ₹5000/-
5.	Section 355 BNS	Misconduct in public by a drunken person
6.	Section 356 BNS	Defamation

Comparative chart of commonly used Sections of IPC vis-a-vis BNS

- The BNS sections shown in the box of this colour differ only in numbering of sections while its contents are similar to the corresponding sections of IPC
- The contents of BNS sections shown in the box of this colour differ from the corresponding sections of IPC with respect to Punishment/fine only
- The contents of BNS sections shown in the box of this colour have major difference from the corresponding sections of IPC

Offences Affecting the Human Body

IPC	OFFENCE	BNS
302	Murder	103(1)
303	Murder by life Convict	104
304	Culpable homicide not amounting to murder	105
304A	Causing death by negligence	106(1)
305	Abetment of suicide of child or insane person	107
306	Abetment of suicide	108
307	Attempt to murder	109
308	Attempt to culpable homicide	110
323	Causing hurt	115(2)
324	Causing hurt by dangerous weapons	118(1)
325	Causing grievous hurt	117(2)
326	Causing grievous hurt by dangerous weapons	118(2)
326A	Causing grievous hurt by use of acid	124(1)
326B	Throwing or attempt to throw acid	124(2)
328	Causing hurt by means of poison etc. with intent to commit offence	123
332	Causing hurt to deter public servant from duty	121(1)
333	Causing grievous hurt to deter public servant from duty	121(2)
336	Act endangering life or personal safety	125
337	Causing hurt by act endangering life or personal safety	125(a)
338	Causing grievous hurt by act endangering life or personal safety	125(b)

IPC	OFFENCE	BNS
341	Wrongful restraint	126(2)
342	Wrongful confinement	127(2)
343	Wrongful confinement for three or more days	127(3)
344	Wrongful confinement for ten or more days	127(4)
353	Assault/criminal force to deter public servant to discharge duty	132
509	Word , gesture or act intended to insult modesty of women	79

Offences Against Woman and Child

IPC	OFFENCE	BNS
313	Causing miscarriage without woman's consent	89
314	Death caused by act done with intent to cause miscarriage	90
315	Act to prevent child being born alive or cause death after birth	91
316	Causing death of quick unborn child	92
317	Exposure and abandonment of child under twelve	93
318	Concealment of birth by disposal of dead body	94
354	Assault/criminal Force to woman with intent to outrage modesty	74
354A	Sexual harassment	75
354B	Assault or criminal force to woman with intent to disrobe	76
354C	Voyeurism	77
354D	Stalking	78
363	Kidnapping	137(2)
364	Kidnapping/abduction in order to murder	140(1)
365	Kidnapping/abduction with intent to confine secretly/wrongfully	140(3)
366	Kidnapping, abduction/inducing minor to compel her marriage	87
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372	Selling child for purpose of prostitution etc.	98
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IPC	OFFENCE	BNS
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399	Making preparation to commit dacoity	310(4)
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407	Criminal breach of trust by carrier etc.	316(3)
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409	Criminal breach of trust by public servant/banker/merchant/agent	316(5)
411	Dishonestly receiving stolen property	317(2)
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427	Mischief	324
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IPC	OFFENCE	BNS
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453/460	Lurking house-trespass, house breaking, by night etc.	331

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IPC	OFFENCE	BNS
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466	Forgery of court record or public register	337
467	Forgery of valuable security or Will	338
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292	Sale of obscene books etc.	294
294	Obscene acts and songs	296

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Snapshot
BNS vis-a-vis IPC

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No. of sections	358	511
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Notes

Notes